



Express Mail Label No.: EL844514173US

Date of Deposit: January 4, 2003

ATTORNEY'S DOCKET NO: B00932.70158.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barbieri et al.
Serial No: 09/733,626
Conf. No. 2410
Filed: December 8, 2000
For: SLIDING DEVICE
Examiner: Avraham H. Lerner
Art Unit: 3611

Box DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

**PETITION UNDER 37 C.F.R. § 1.181(a) FOR
WITHDRAWAL OF A HOLDING OF ABANDONMENT**

Applicants hereby petition under 37 C.F.R. § 1.181(a) for withdrawal of the Notice of Abandonment mailed December 17, 2002. This Petition is being filed within two months of the mailing date of the Notice of Abandonment. In the alternative, Applicants petition for revival of the application under 37 C.F.R. § 1.137(a), due to unavoidable delay. In the further alternative, Applicants petition for revival under 37 C.F.R. § 1.137(b), due to unintentional delay.

In support of this Petition, Applicants state that an Amendment in response to the May 6, 2002 Office Action was filed with the USPTO by facsimile on July 30, 2002, but was apparently not received by the Examiner. A copy of the Amendment, including the facsimile cover sheet and a transmission status page indicating that the transmission was successful, is attached hereto. The Amendment was accompanied by a Certificate of Facsimile Transmission in compliance with 37 C.F.R. § 1.6(d) and 1.8(a)(1).

After filing the Amendment by facsimile, Applicant's representatives contacted Supervisor Brian Johnson of the USPTO on July 31, 2002 to confirm its receipt. Mr. Johnson stated that receipt of the Amendment could not be confirmed because the assigned Examiner (M. Mar) was no longer in Art Unit 3618, but that Applicant's own fax confirmation sheet would be sufficient.

Because Applicants filed a timely Amendment in response to the May 6, 2002 Office Action, as evidenced by a proper Certificate of Transmission and the fax confirmation page, the application should not have been deemed abandoned. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn.

In the event that the Petition under 37 C.F.R. § 1.181(a) is not grantable, Applicants petition for revival of the application under 37 C.F.R. § 1.137(a) due to unavoidable delay, and request that the fee for such a Petition be charged to the account of the undersigned, Deposit Account No. 23/2825. The delay in this case was unavoidable because the Applicants, having filed a timely response to the Office Action by facsimile on July 30, 2002, and having taken the further step of attempting to confirm by telephone that the response had been received, were simply (and justifiably) unaware that any further action was required and were instead awaiting USPTO action on the Amendment.

In the event that the Petitions under 37 C.F.R. § 1.181(a) and 37 C.F.R. 1.137(a) are not grantable, Applicants petition for revival of the application under 37 C.F.R. § 1.137(b) due to unintentional delay, and request that the fee for such a petition be charged to Deposit Account No. 23/2825. The facts are as described above and abandonment was unintentional.

Applicants believe that the requirements of Rules 181(a), 137(a), and 137(b) are satisfied and request a prompt decision on this petition. In the event that this Petition is insufficient, Applicants request an opportunity to file such additional information as may be required.

Respectfully submitted,

By:



Aaron W. Moore, Reg. No. 52,043

Robert E. Hunt, Reg. No. 39,231

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2211

Tel. No.: (617) 720-3500

Docket No. B00932.70158.US

Date: January 9, 2003

x01/17/03